



Docket No. 00865.004335.  
Date: January 16, 2004

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: TAKEHIKO NAKAI

Application No.: 09/241,851

For: DIFFRACTIVE OPTICAL ELEMENT AND OPTICAL SYSTEM HAVING THE SAME

Filed: February 2, 1999

Group Art Unit: 2872

**Mail Stop AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated September 16, 2003, of the Primary Examiner finally rejecting claims 1, 2, 4, 5, 9 and 11-22.

The item(s) checked below are appropriate.

1. ☒ A Petition for a 1 (one) month extension of time to respond to the final rejection, together with the \$ 110.00 extension fee under 37 C.F.R. §1.17, is being filed concurrently herewith.
2. ☐ A Petition for an additional        month extension of time to take further action, together with the \$        extension fee under 37 C.F.R. §1.17, was filed on       .
3. ☒ Fee \$330.00  
☐ Fee \$165.00 (Verified Statement claiming small entity status is enclosed, if not filed previously.)  
☒ Enclosed  
☐ Not required (fee paid in prior appeal)

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02 FC:1401

330.00 OP

☐ Charge to Deposit Account No. 06-1205 (One additional copy of this Notice enclosed herewith)

4. ☒ Any prior general authorization to charge an issue fee under 37 C.F.R. 1.18 to Deposit Account No. 06-1205 is hereby revoked. The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 or 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 06-1205.

5. ☒ Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

  
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Attorney for Applicant  
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